



MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, September 5, 2018
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Ryan Anderson, Pamela Gibson, Marie Hawkins, Bill Rau, Colleen Thompson
Absent: None
Others Present: Diane Ackerman, Jack Campbell, Jazmine Duncan, Deb Holling, George Holling, Sherry Karp, Donna Kramer, Tom Wood
Clerk/Recorder: Faylene Roth

CALL TO ORDER REGULAR MEETING

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to order at 6:30 P.M.

1. Open Public Comment.

Jack Campbell observed “with amusement” the clash between “Utah ideology” and “science” in regards to a comment made by Orion Rogers, Southeastern Utah Health Department, about it being a “huge deal” when septic systems do not work but expressed no concern about the impact of “huge piles” of manure. He said he did not think he got an “honest answer” from Rogers. He then stated that he had recently discovered a pile of forgotten mule manure on his property which was “so odorless” he had forgotten that he acquired it four or five years ago for compost. He said there is a “huge difference” in manure from different types of animals and their impact on neighbors. He said he now has to close his windows “sometimes at night” because of odor from the manure pile and from the livestock pen on the [Hollings’] lot.

2. Approval of Minutes.

Regular Meeting of August 1, 2018.

Gibson moved to approve the Minutes of August 1, 2018. Anderson seconded the Motion. Anderson, Gibson, Hawkins, and Thompson approved the Motion. Rau abstained. The Motion passed with four in favor and one abstention.

Workshop Meeting of August 8, 2018.

Anderson moved to approve the Minutes of the Workshop Meeting of August 8, 2018. Hawkins seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

3. Reports.

Correspondence –None.

Town Council Meeting – Thompson.

Thompson reported that the Town Council (TC) learned that the recycling center will close temporarily at some point for cleaning and renovation and the Moab landfill will reduce its hours for a period of time to allow clean-up at that site. In addition, she said, the TC finalized its revocation of the cemetery well user agreement which means the cemetery is the sole user of the well for landscaping purposes. She said that, as a result, the PLUC may want to have a question regarding a community well in the next General Plan Survey. She also reported that the Town green belt invasive vegetation project is on hold while the Town investigates alternatives to the use of glyphosate [Roundup] for Russian olive eradication. TC Members O’Brien and Drogin asked that the PLUC include survey questions regarding residents’ attitudes toward the use of synthetic pesticides/herbicides outdoors and concerns about bees and pollinators. According to Thompson, Mayor Duncan had learned that Utah is one of only seven states that do not prevent local entities from controlling these chemicals.

Thompson added that the Town’s attorney advised the Town to delay action on the Temporary Land Use Regulation for 85-3 Sections 4.9 Permitted Livestock requirements and animal units for RAR-1 Zone and 4.10 Specific review criteria for conditional use permits for livestock exceeding one and one-half (1.5) animal units per acre for RAR-1 Zone to avoid the appearance of targeting a current applicant. She



said the TC retabled the item after discussion from O'Brien and Mary Beth Fitzburgh regarding uncertainty on the length of extensions allowed by State Code beyond the original six-month moratorium.

Thompson reported that the TC approved two more chunks of the 85-3 revisions: Block 1 dealing with variances (Section 9.1) and 7.2. and 7.3 which had undergone legal review and been modified by the Town's attorney. Thompson said the TC did approve the reinsertion of the word "that" in Section 7.2.3(3) which they decided was necessary to retain the intended meaning; Block 2 dealing with land use designations, building regulations, and three related definitions have also been approved.

Rau asked Mayor Duncan about negotiations with the appeal authority regarding these approved amendments. Duncan said the negotiations would proceed after adoption of the amendments has been completed.

Permit Agent – Interim Permit Agent - Roth

- Permit Activity.

Roth reported that the annual inspection at the Castle Valley Inn occurred on August 24, 2018. She said it included an inspection by Castle Valley Fire Chief Ron Drake and herself along with Tom Cox of Rim to Rim Safety who conducts an annual fire extinguisher inspection. According to Roth, she is waiting for some documents before having everyone sign off on the inspection.

- Updates on Recent Applications - None.

Procedural Matters.

Thompson suggested that a To Do list be added to the Minutes each month as a reminder of tasks taken on by PLUC Members. There was a consensus for Roth to add this.

NEW BUSINESS

4. Discussion and possible action re: amendments to Ordinance 85-3, Section 4.9 to include the specific operating requirements described in Section 4.10.1 (A - L).

There was general discussion regarding the addition of the General Operating Requirements outlined in Ordinance 85-3, Section 4.10.1 (A-L) for specific criteria for conditional use permits for livestock exceeding one and one-half (1.5) animal units per acre to Section 4.9 for Permitted Livestock of no more than 1.5 animal units per acre in order to establish the same general operating requirements for livestock on all lots whether the numbers of animals are more or less than the permitted use. Gibson stated that doing so verifies the intention that the same "best management practices" from Section 4.10 apply to Section 4.9. There was a consensus among PLUC Members that it made sense to identify the "best management practices" in both parts of the ordinance.

Rau explained that amendments to Ordinance 85-3 require a public hearing. PLUC Members agreed to hold a Public Hearing at next month's Meeting [October 3, 2018] before making a recommendation to the Town Council.

Anderson moved to table Item 4. Gibson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Roth will post the Public Hearing notices.

UNFINISHED BUSINESS

5. Discussion and possible action re: recommendation to Town Council regarding request for commercial agriculture designation on Lots 54 and 55 (tabled).

Anderson moved to untable Item 5. Thompson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Rau asked that comments be restricted to less than three minutes.

Rau asked the applicants for initial comments. George Holling handed to Rau a copy of a letter he said the Town should have received from his attorney. Rau replied that PLUC Members would review the letter over the next month and reply through Holling's attorney.

Donna Kramer asked if the submitted documents would become part of the public record. Rau replied that it would when it becomes part of the Agenda record.

Diane Ackerman commented on a letter she had submitted to the Town regarding an on-site meeting at the Hollings with Orion Rogers and several others and expressed her concern and her willingness to work towards a solution. She announced that she is hosting a composting workshop on October 6 at



10:00 A.M. at the Town Hall. She said the workshop will include site visits around the valley to learn about composting practices within Castle Valley. Ackerman also requested that the Town confirm receipt of written comment from the public.

Kramer said she appreciated this effort but did not see how it applies to the conditional use permit application discussion.

Rau added to Ackerman's comments saying that PLUC Members had asked to be part of the site visit but were not included.

Thompson asked how an ordinance violation would affect the PLUC's deliberations on this item. Rau said his understanding is that the violation might be dealt with before any decision is made. Mayor Duncan replied that the attorney has said that would be true if a formal complaint has been filed; but, she said, no formal complaint has been made in this situation.

Rau explained that the PLUC's role is to make a recommendation only to the TC, which makes the final decision. He suggested the item be retabled.

George Holling handed to Rau a document detailing Utah statutes regarding approval of conditional uses.

Deb Holling stated that they had requested that further discussion be delayed until their reports were completed but were attending this Meeting because Roth had told their attorney that the PLUC had done some research of its own and that Roth had asked them to attend. Holling asked whether that discussion was going to take place.

Roth clarified that her communication with their attorney was to inform them that a discussion might take place.

George Holling asked for a copy of the letter referred to in #2 of the questions submitted to them. Rau said he would get the letter to Roth who will forward it to Holling's attorney.

Anderson moved to retable Item 5. Hawkins seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

6. Discussion and possible action re: recommendation to Town Council regarding request for installation of exclusionary fencing on Lots 54 and 55 for commercial agricultural purposes (tabled).

Anderson moved to untable Item 6. The Motion failed due to lack of a second.

7. Discussion and possible action re: amendments to Ordinance 95-6: An Ordinance regarding the Building Permit and Other Land Use Permit Processes to align it with proposed amendments proposed to Ordinance 85-3 (tabled).

Anderson moved to untable Item 7. Thompson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Rau explained that much of the work on these proposed amendments was done with former PLUC Member Mary Beth Fitzburgh. Thompson reported that the Town Council has approved the proposed amendments in Ordinance 85-3, Sections 3, 5, and 6 plus the three associated definitions that support the proposed amendments to Ordinance 95-6. PLUC Members agreed that all references to "State Sanitarian" will be changed to "Local Health Department." Roth will attach current and/or amended permits listed in the Ordinance to the final version submitted to the Town Council.

Anderson moved to recommend to the Town Council to approve the amendments made tonight to Ordinance 95-6 to align it with the proposed amendments to Ordinance 85-3. Gibson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

8. Discussion and possible action re: revisions to Resolution 2013-1: A Resolution to Adopt a Permit Application and Fee Schedule (tabled).

Anderson moved to untable Item 8. Thompson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Mayor Duncan said that when the Town Council adopts all amendments to Ordinance 85-3, it will renegotiate the changes with the Appeal Authority. PLUC Members again agreed that all references to "State Sanitarian" will be changed to "Local Health Department."

Gibson moved to approve the amendments to Resolution 2013-3 and to recommend approval to the Town Council.

9. Discussion re: topics, themes, and process for the General Plan Survey (tabled).

Anderson moved to untable Item 9. Thompson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Thompson reported that she and Gibson had met over the past month and assimilated some of the changes and suggestions made at the October 8 Workshop. Rau had also assembled some questions based upon input he has received which Roth inserted into the reorganized easy-to-edit format created by Thompson. PLUC Members made additional edits to Sections A - D then made assignments to each PLUC Member to make additional suggestions for each of the individual sections, as follows:

Gibson-Section D; Rau-Section E; Thompson-Sections F and K; Anderson-Sections J and H; Hawkins-Section L. Roth will assimilate suggestions submitted by community members at previous meetings and through email submissions.

Rau asked that the task be tackled within a two-week period and submitted to Roth by Wednesday, September 19, so there will be sufficient time to create a master list.

Anderson moved to retable Item 9. Thompson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

10. Discussion re: storage of fuels and hazardous materials within the Town (tabled) – left tabled.

11. Discussion re: future amendments to Ordinance 85-3 (tabled) – left tabled.

12. Closed Meeting (if needed) – none.

ADJOURNMENT

Thompson moved to adjourn the Meeting. Anderson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Rau adjourned the Meeting at 8:27 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date